

REMARKS

This is intended as a full and complete response to the Office Action dated August 24, 2007, having a shortened statutory period for response extended one month to expire on December 24, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims Withdrawn from Consideration

Claims 62, 65, 66, 68-70, 74-77 and 88 stand withdrawn from consideration by the Examiner as being directed to an invention that is independent or distinct from the invention originally claimed. Applicants submit that the withdrawn claims are drawn to the elected invention of Group 1 because each withdrawn claim comprises nucleic acid sequence SEQ. ID NO. 1. Dependent claims 62, 65, 66, 68-70, 74-77 and 88 are drawn to SEQ. ID NO. 1 in combination with additional elements. According to M.P.E.P. § 821.04, propriety of the restriction requirement should be reconsidered based on indicated allowability of claim 61 by the Examiner even if it is assumed, as the Examiner states, that claims 62, 65, 66, 68-70, 74-77 are drawn to a nonelected invention, which is thus eligible for rejoinder resulting in withdrawal of the restriction requirement. Therefore, Applicants respectfully request withdrawal of the restriction requirement.

Claim Rejections under 35 USC § 112

Claims 73 and 78-86 stand rejected under 35 U.S.C. § 112, second paragraph. Applicants have canceled claims 73, 85 and 86, without prejudice. Further, Applicants traverse the rejection.

Claim 78 has been amended to clarify that the transgenic zebrafish with SEQ ID NO. 1 is operatively linked to a DNA sequence of a heterologous expression product. Further, claim 78 now lacks the recitation identified by the Examiner as being unclear. Therefore, Applicants submit that claim 78 and all claims dependent thereon are allowable and request withdrawal of the rejection and allowance of claims 78-84.

Claims 63, 64 and 67 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants have canceled claim 63 and 67, without prejudice. Further, Applicants traverse the rejection.

Claim 64 has been amended to recite that an isolated DNA molecule further comprises "a nucleotide sequence encoding a heterologous expression product selected from the group consisting of β -galactosidase, luciferase, chloramphenicol acetyl transferase (CAT), green fluorescent protein (GFP), human growth hormone, alkaline phosphatase, β -glucuronidase, and combinations thereof." At least paragraph [0086] of the specification as originally filed supports claim 64, which lacks reference to "a tissue-specific transcriptional regulatory DNA fragment" identified by the Examiner with respect to the § 112, first paragraph, rejection. Therefore, Applicants submit that claim 64 is allowable and request withdrawal of the rejection and allowance of the claim.

Claim 87 stands rejected by the Examiner without explanation. Applicants believe that the Examiner did not recognize that claim 87 is an independent claim and is not dependent on independent claim 61 which stands rejected. Withdrawal of the rejection is respectively requested by the Applicants.

Allowable Subject Matter

Claims 61, 71, and 72 are allowed. Applicants acknowledge allowance of the claims.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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